

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JUSTEN K. SMITH,

Petitioner,

v.

JUSTIN JONES, DOC Director,

Respondent.

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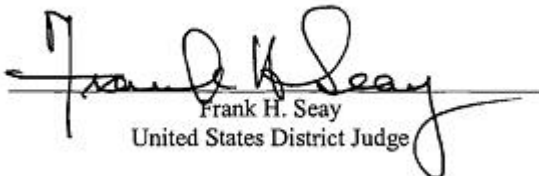
Case No. CIV 11-366-FHS-KEW

OPINION AND ORDER
DENYING CERTIFICATE OF APPEALABILITY

On this date the court dismissed petitioner's petition for a writ of habeas corpus for his failure to exhaust state court remedies. After a careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). See also 28 U.S.C. § 2253(c).

ACCORDINGLY, petitioner is denied a certificate of appealability. See Rule 11(a) of the Rules Governing Section 2254 Cases.

IT IS SO ORDERED this 30th day of July, 2012.


Frank H. Seay
United States District Judge